

VACATION

DECLARATORY

~~Improvement~~ Res. No. 369 - 1953

For the vacation of an easement  
in and over the east eight (8)  
feet of Lot No. 11, Brackenridge's  
2nd Subdivision as originally  
platted, from Hale Avenue to  
the north a distance of 160 feet.

Resolution Adopted:

Feb. 19, 1953

Confirmed:

March 19, 1953

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

April 16, 1953

For the Vacation ~~Opening~~ <sup>easement vacation</sup> ~~Condemnation of right of way for utility purposes~~ of an easement in and over the east eight (8) feet of Lot No. 11, Brackenridge's 2nd Subdivision as originally platted, from Hale Avenue to the north a distance of 160 feet.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate an eight (8) feet easement in and over the east eight (8) feet of Lot No. 11, Brackenridge's 2nd Subdivision as originally platted, from the north property line of Hale Avenue to the north a distance of one hundred sixty (160) feet.

All as shown by a plan of such proposed <sup>easement vacation</sup> ~~Opening~~ ~~Vacation~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said <sup>easement vacation</sup> ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such <sup>easement vacation</sup> ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 22 & 24, Novitsky's Addition. Said addition inclusive to the City of Fort Wayne, Indiana.

~~All lots and lands~~

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by <sup>511b</sup> above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplement thereof.

~~The vacation of the above described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described <sup>easement vacation</sup> are situated in the southwest quarter of Section Ten, Township 30 north, Range 12 east, and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 19 DAY OF Feb., 1953.

Attest: Frank K. Ross  
Secretary Board of Public Works.

Robert Beams  
Chairman  
Board of Public Works.

VACATE 8'x160' EASEMENT





Fort Wayne, Indiana

January 8, 1953

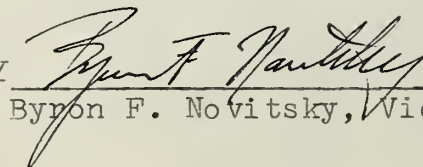
To the Board of Public Works of the City of Fort Wayne  
Gentlemen:

The undersigned, Allen Home Builders, Inc., respectively petitions the board for the passage of a resolution vacating an 8 foot easement in and over the East 8 feet of Lot No. 11 from Hale Avenue North, a distance of 160 feet, given by Westfield Presbyterian Church to the City of Fort Wayne for the installation and maintenance of poles, wire and conduits for any public and/or telephone service; said easement having been conveyed to the City of Fort Wayne on September 10, 1947 by deed recorded October 7, 1947 in Deed Record 397, page 130.

Your petitioner is informed that said easement was granted to the city by said church in order to permit the erection of light poles with which to light a play area on the above described real estate; that said land has been sold by said church and has been replatted into Novitsky Addition and houses are now erected on said property; that said easement is no longer necessary and should be vacated.

ALLEN HOME BUILDERS, INC.

BY



Byron F. Novitsky, Vice-President

# P E T I T I O N

Fort Wayne, Ind., \_\_\_\_\_

**To the Board of Public Works of the City of Fort Wayne:**

Gentlemen:

The undersigned, owners of real

estate on \_\_\_\_\_, from

\_\_\_\_\_ to \_\_\_\_\_

respectfully petition for the passage of a resolution providing for the

Vacation

Vacation  
**Petition for Passage**

of a Resolution for

vacation of an eight (8)

foot easement in and over

the East eight (8) feet of

Lot No. 11 from Hale Avenue  
North, a distance of 160 ft.

from

to

Filed with the Board of Public Works

Present Ordered: Jan. 15, 1953.

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